

SPICe Briefing

The European Union – The Institutions

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This subject profile provides information on the five institutions of the European Union. The institutions manage the way in which the EU functions and the way in which decisions are made.



The European Parliament building in Strasbourg. Image: European Parliament



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THE EU INSTITUTIONS

The way the EU functions and the way decisions are made is determined by the institutions which have been established by the member states to run and oversee the EU.

The Treaty of Lisbon amended the Treaty on European Union and the Treaty Establishing the European Community with the latter being re-named as the Treaty on the Functioning of the European Union¹. These Treaties set out the roles and powers and responsibilities of the European Union's institutions.

The Treaty on European Union as amended by the Treaty of Lisbon identifies the seven EU institutions as (Article 13 TEU):

- The European Council
- The Council of the European Union²
- The European Parliament
- The European Commission
- The Court of Justice of the European Union
- The European Central Bank
- The Court of Auditors

THE EUROPEAN COUNCIL

The European Council consists of the Heads of State or Government of each of the 28 Member States along with its President and the President of the European Commission. The role of the European Council is “to provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof” (Article 15 TEU). The European Council does not exercise legislative functions but is the body that would agree Treaty changes and general Union policy. Decisions of the European Council shall generally be taken by consensus (Article 15(4) TEU).

The European Council will generally meet twice every six months and all meetings are convened by its President. It is also within the power of the Council President to convene a special meeting of the European Council as appropriate.

The role of President of the European Council was introduced by the Treaty of Lisbon. The President is primarily responsible for chairing the European Council and driving forward its work; ensuring that the European Council follows a consistent policy line and as much as possible facilitates cohesion and consensus within the European Council (Article 15(6) TEU).

The European Council is responsible for electing its President by qualified majority. The President is elected for a two and a half year term renewable once (Article 15 (5) TEU). The current President is Donald Tusk from Poland who assumed the role in December 2014.

THE COUNCIL OF THE EUROPEAN UNION

The Council consists of a representative of each Member State at ministerial level, who may commit the Government of the Member State in question and cast its vote (Article 16 TEU).

¹ References in this paper are made to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).

² The Council of the European Union should not be confused with the Council of Europe which is an international organisation based in Strasbourg comprising 47 countries set up to promote democracy and protect human rights and the rule of law in Europe.

Which ministers attend a meeting depends on which topic is on the agenda. The Council also meets regularly at the level of working groups and ambassadors. The Council is responsible for working with the European Parliament to exercise legislative and budgetary functions.

The Council meets in ten configurations. These are:

- General Affairs
- Foreign Affairs Council
- Economic and Financial Affairs
- Justice and Home Affairs
- Employment, Social Policy, Health and Consumer Affairs
- Competitiveness
- Transport, Telecommunications and Energy
- Agriculture and Fisheries
- Environment
- Education, Youth and Culture

The Presidency of Council configurations (other than that of Foreign Affairs) is held by Member State representatives (Article 16(9) TEU). The Presidency rotates between Member States on a six-month basis with the appropriate Government Minister chairing the Council relating to his or her portfolio. In 2006, Member States agreed to adopt work programmes which encompassed three presidencies rather than one. This meant that each work programme was for 18 months and ensured a greater level of continuity from one presidency to another.

The Foreign Affairs Council is chaired by the High Representative of the Union for Foreign Affairs and Security Policy. The High Representative was a post created by the Treaty of Lisbon (Article 15(2) TEU), previously a post of High Representative for Common Foreign and Security Policy had been created by the Treaty of Amsterdam. The new post, held by Catherine Ashton from the United Kingdom, also has responsibility as a Vice President of the European Commission and is head of the European External Action Service which was established by the Treaty of Lisbon (Article 18 TEU).

Permanent Representatives Committee (Coreper)

Coreper consists of the Member States' Permanent Representatives (Ambassadors) and is responsible, at a stage involving preliminary negotiations, for assisting the Council in dealing with proposals and drafts of instruments put forward by the Commission (Article 240(1) TEU). It occupies a pivotal position in the Community decision-making system as a forum for dialogue and a body which exercises political control.

Council Decision Making

In general, the Council will make decisions by qualified majority. New provisions covering what constitutes a qualified majority are covered in the Treaty on European Union and came into force on 1 November 2014. Under this new procedure, when the Council votes on a proposal by the Commission or the High Representative of the Union for Foreign Affairs and Security Policy, a qualified majority is reached if two conditions are met:

- 55% of member states vote in favour - in practice this means 16 out of 28
- the proposal is supported by member states representing at least 65% of the total EU population

This new procedure is also known as the 'double majority' rule.

To block a proposal, a blocking minority must include at least four Council members representing more than 35% of the EU population.

As some Member States have opt-outs from certain policy areas (such as the UK on justice and home affairs issues), when not all Council members participate in the vote as a result of opt-outs, a decision is adopted if 55% of the participating Council members, representing at least 65% of the population of the participating member states, vote in favour.

Although a new qualified majority voting system is in place, until 31 March 2017, member states can still request to use the previous rules for qualified majority voting. These provisions are detailed in Protocol number 36 of the Treaty of Lisbon and are detailed in the box below.

Qualified Majority Voting

Under the terms of Protocol number 36 on Transitional Provisions attached to the Treaty of Lisbon, the number of votes each Member State can cast in the Council is as follows:

Germany, France, Italy and the United Kingdom	29
Spain and Poland	27
Romania	14
Netherlands	13
Belgium, Czech Republic, Greece, Hungary and Portugal	12
Austria, Bulgaria and Sweden	10
Croatia, Denmark, Ireland, Lithuania, Slovakia and Finland	7
Cyprus, Estonia, Latvia, Luxembourg and Slovenia	4
Malta	3
TOTAL	352

Acts shall be adopted if there are at least 260 votes in favour representing a majority of the members (at least 15), where, under the Treaties, they must be adopted on a proposal from the Commission.

According to the Protocol, a member of the European Council or the Council may request that, where an act is adopted by the European Council or the Council by a qualified majority, a check is made to ensure that the Member States comprising the qualified majority represent at least 62% of the overall EU population. If that proves not to be the case, the act shall not be adopted.

EUROPEAN PARLIAMENT

The European Parliament is the only directly elected body in the EU. It represents the people of the EU and, shares legislative and budgetary power with the Council of the European Union. The European Parliament has been directly elected by the citizens of the member states since 1979. Elections by universal suffrage take place every five years. The next European Parliament elections will take place in June 2019.

The Treaty of Lisbon stipulates that the European Parliament shall not exceed seven hundred and fifty in number, plus the President. The European Parliament sits in Strasbourg and Brussels and the Parliament's Secretariat is located in Luxembourg. The Parliament meets in plenary session for twelve four-day part-sessions in Strasbourg and six additional two-day part-sessions in Brussels. Two weeks a month are devoted to meetings of parliamentary

committees and inter-parliamentary delegations, whilst one week a month is set aside for political group meetings. MEPs are also allocated four weeks a year where they can concentrate exclusively on their constituency work.

Scotland has 6 MEPs who form part of a United Kingdom total of 73 Members.

The President of the European Parliament is elected by the Parliament's Members. The current president is Martin Schulz from Germany. He was first elected to serve a two and a half year term in 2012 and was re-elected in July 2014 to serve until January 2017. He is the first President in the history of the European Parliament to be re-elected for a second two and a half year term.

Number of Seats in the European Parliament per member state

Austria	18
Belgium	21
Bulgaria	17
Croatia	11
Cyprus	6
Czech Republic	21
Denmark	13
Estonia	6
Finland	13
France	74
Germany	96
Greece	21
Hungary	21
Ireland	11
Italy	73
Latvia	8
Lithuania	11
Luxembourg	6
Malta	6
Netherlands	26
Poland	51
Portugal	21
Romania	32
Slovakia	13
Slovenia	8
Spain	54
Sweden	20
United Kingdom	73
Total	751

Scotland's 6 MEPS

David Coburn
 Ian Duncan
 Ian Hudghton
 David Martin
 Alyn Smith
 Catherine Stihler

The European Parliament plays a major role in the agreement of nearly all legal acts of the union. Under the Ordinary Legislative Procedure the European Parliament is required to jointly agree legislation with the Council.

The European Parliament can also submit a request to the European Commission asking it to bring forward a specific legislative proposal (Article 225 TFEU). The European Commission must explain its reasons to the Parliament if it decides not to bring forward such a proposal.

The European Parliament also shares with the Council equal responsibility for adopting the EU budget. (Article 314 TFEU)

The European Parliament exercises democratic supervision over the European Union. It has the power to dismiss the Commission by adopting a motion of censure which requires a two thirds majority (Article 234 TFEU). It can do this if it feels the College of Commissioners have acted inappropriately.

Members in the European Parliament sit in groups rather than under their party representation. Every political group must be made up of 25 MEPs from at least 7 Member States. There are currently 7 Groups in the European Parliament, these are:

- EPP: Group of the European People's Party (Christian Democrats)
- S&D: Group of the Progressive Alliance of Socialists and Democrats in the European Parliament
- ECR: European Conservatives and Reformists
- ALDE: Alliance of Liberals and Democrats for Europe
- GUE/NGL: European United Left/Nordic Green Left
- Greens/EFA: The Greens/European Free Alliance
- EFDD: Europe of freedom and direct democracy Group

The European Parliament has a representative office in all EU member states and it also has a representative office based in Scotland.

EUROPEAN COMMISSION

The European Commission is the executive of the European Union. It consists of 28 appointed members, one from each member state (collectively known as the College of Commissioners). The Commission is headed by a President, currently Jean-Claude Juncker. It is a politically independent institution that represents and upholds the interests of the EU as a whole and is the driving force within the EU's institutional system: it is responsible for:

- proposing legislation to the Council of the European Union and the European Parliament
- the administration of EU policies, such as the Common Agricultural Policy
- implementing the decisions of Parliament and the Council
- taking necessary legal action against firms or member governments
- representing the EU in trade negotiations with non-member countries

Crucially, the European Commission is solely responsible for initiating Union legislation. This means all legislation must begin with a proposal from the Commission (Article 17(2) TEU).

The Commission sits in Brussels but has offices in Luxembourg and representatives in all EU member states. It also has a representative office based in Scotland.

The Members of the Commission are generally known as "Commissioners". As Members of the Commission they are committed to acting in the interests of the Union as a whole and not in the interests of their own national governments. A new Commission is appointed every five years, within six months of the elections to the European Parliament. The current College of Commissioners led by Jean-Claude Juncker is shown in the table below.

According to the Treaty on European Union; “The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Treaties. With the exception of the common foreign and security policy, and other cases provided for in the Treaties, it shall ensure the Union’s external representation. It shall initiate the Union’s annual and multiannual programming with a view to achieving interinstitutional agreements.” (Article 17(1) TEU)

Commission Administration

The administration of the Commission is overseen by the Secretariat-General. It has 40 Directorates General (DGs) each headed by a Director General and each Directorate General is divided into directorates headed by Directors. More details on the Commission DGs are available on the European Commission website: http://ec.europa.eu/about/ds_en.htm

More details on the current European Commission and the European Parliament following the 2014 election is available in SPICe Briefing [SB14/62 European Commission and European Parliament 2014-2019](#).

European College of Commissioners 2014-2019

President

Jean-Claude Juncker Luxembourg

First Vice President – Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights

Frans Timmermans Netherlands

Vice President - Foreign Affairs and Security Policy

Federica Mogherini Italy (also the European Union's High Representative for foreign affairs and security policy)

Vice President – Budget and Human Resources

Kristalina Georgieva Bulgaria

Vice President – Single Digital Market

Andrus Ansip Estonia

Vice President – Energy Union

Maroš Šefčovič Slovakia

Vice President – Euro and Social Dialogue

Valdis Dombrovskis Latvia

Vice President - Jobs, Growth, Investment and Competitiveness

Jyrki Katainen Finland

Digital Economy & Society

Günther H. Oettinger Germany

European Neighbourhood Policy & Enlargement Negotiations

Johannes Hahn Austria

Trade

Cecilia Malmström Sweden

International Cooperation & Development

Neven Mimica Croatia

Climate Action and Energy

Miguel Arias Cañete Spain

Environment, Maritime Affairs and Fisheries

Karmenu Vella Malta

Health and Food Safety

Vytenis Andriukaitis Lithuania

Migration, Home Affairs and Citizenship

Dimitris Avramopoulos Greece

Employment, Social Affairs, Skills and Labour Mobility

Marianne Thyssen Belgium

Economic and Financial Affairs, Taxation and Customs

Pierre Moscovici France

Humanitarian Aid & Crisis Management

Christos Stylianides Cyprus

Agriculture & Rural Development

Phil Hogan Ireland

Financial Stability, Financial Services and Capital Markets Union

Jonathan Hill United Kingdom

Transport

Violeta Bulc Slovenia

Internal Market, Industry, Entrepreneurship and SMEs

Elżbieta Bieńkowska Poland

Justice, Consumers and Gender Equality

Věra Jourová Czech Republic

Education, Culture, Youth and Sport

Tibor Navracsics Hungary

Regional Policy

Corina Crețu Romania

Competition

Margrethe Vestager Denmark

Research, Science and Innovation

Carlos Moedas Portugal

THE COURT OF JUSTICE OF THE EUROPEAN UNION

The Court of Justice of the European Union was established in 1952 and sits in Luxembourg. It includes the Court of Justice and the General Court. It is primarily responsible for ensuring that in the interpretation and application of the Treaties, the law is observed. (Article 19 TEU).

Article 19(3) TEU sets out the role of the Court of Justice of the European Union as follows:

- a) rule on actions brought by a Member State, an institution or a natural or legal person;
- b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions;
- c) rule in other cases provided for in the Treaties.

All judges are required to perform their duties in a totally impartial and independent manner.

Makeup of the Court of Justice

The Court of Justice is composed of 28 Judges and 11 Advocates General. The Judges and Advocates General are appointed by common accord of the governments of the Member States after consultation of a panel responsible for giving an opinion on prospective candidates' suitability to perform the duties concerned. They are appointed for a term of office of six years, which is renewable.

The Judges of the Court of Justice elect one of themselves as President for a renewable term of three years. The President directs the work of the Court and presides at hearings and deliberations of the full Court or the Grand Chamber.

The Advocates General assist the Court. They are responsible for presenting, with complete impartiality and independence, an 'opinion' in the cases assigned to them.

The Court may sit as a full court, in a Grand Chamber of 13 Judges or in Chambers of three or five Judges.

Makeup of the General Court

The General Court is made up of at least one Judge from each Member State. The Judges are appointed by common accord of the governments of the Member States after consultation of a panel responsible for giving an opinion on candidates' suitability. They are appointed for a term of office of six years, which is renewable. They appoint their President, for a period of three years, from amongst themselves. They appoint a Registrar for a term of office of six years.

The General Court sits in Chambers of five or three Judges or, in some cases, as a single Judge. It may also sit as a Grand Chamber (thirteen Judges) or as a full court when this is justified by the legal complexity or importance of the case.

Key Functions of the Court of Justice of the European Union

A key function of the Court of Justice is to hear cases brought by the European Commission against a Member State or Member States in the event they have failed to comply with European Union law (Article 258 TFEU). If the Court of Justice of the European Union finds that a Member State has failed to comply with European law it can require that Member State to take the measures necessary to ensure compliance with the Court Judgement.

If, in the view of the European Commission, the Member State continues to fail to comply with European law then it can take the case back to the Court of Justice of the European Union

where the Court has the power to impose a lump sum or penalty payment against that Member State Government (Article 260 TFEU).

Another key function for the Court of Justice of the European Union is to review the legislative acts passed by the appropriate European Union institutions. In this instance, the Court has jurisdiction to hear cases brought by a Member State, the European Parliament, the Council or the Commission on grounds of lack of competence, infringement of the essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers (Article 263 TFEU).

THE EUROPEAN CENTRAL BANK

The European Central Bank is, along with the national central banks of the Member States whose currency is the Euro, responsible for conducting the monetary policy of the Eurozone (Article 282 TFEU).

The primary aim of the European System of Central Banks is to maintain price stability.

The European Central Bank is solely responsible for authorising the issue of Euro banknotes within the Union. Member States may issue Euro coins subject to the approval of the European Central Bank (Article 128 TFEU).

COURT OF AUDITORS

The Court of Auditors' main role is to check that the EU budget is correctly implemented - in other words, that EU income and expenditure is legal and above board and to ensure sound financial management. The Court examines the accounts of the EU institutions and reports to the Council and the Parliament once a year with its annual report (in November). Its work helps guarantee that the EU system operates efficiently and openly.

The Court has one member from each EU country, appointed by the Council for a renewable term of six years.

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